

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is requested. Claims 1-20 are now in this application.

In paragraphs 2-3 the Examiner rejected claim 1, 3, 11 and 14 as being unpatentable. Herein the applicant accepts the remarks of the Examiner relating to unpatentability based on these references. Claim 1 has been amended to include a retraction shock absorbing means to cushion the contained tube upon retraction. In claim 2 this retraction shock absorbing is said to comprise a pad positioned within a bottom portion of the floor tube. (the words from prior claim 4 which was allowable). The subject matter of allowable claim 10 has also been amended to depend on claim 1 therein the shock absorbing means comprises "the inner members having a peripheral seal to trap air within the inner tubes to result in an air cushioned retraction of the court standard". Disallowed claim 3 depends on amended claim 1.

Claim 11 has also been amended. Claim 11 now includes the limitation of "using a biased latch configured so that when the contained tube is fully elevated the latch will engage". This use of a biased latch was not shown in the prior art. Disallowed claim 14 now depends on claim 13, which has been amended to depend on claim 11 herein.

In paragraph 4 the Examiner rejects claims 2, 12 and 13. Claim 2 depends on amended claim 1 which the applicant believes is now allowable. Claims 12 and 13 depend from amended claim 11 which the applicant now believes is allowable.

Claim 5 has been amended so that the former claim 5 is in independent form. Claim 5 now has the language of former claim 1 with the limitation of claim 5 therein. Claim 5 now reads "A court standard [as in claim 3] which is stored wholly beneath and lifted upwardly to above a gymnasium floor for use comprising: a contained tube; an embedded upright floor tube having a top end portion which is nominally in alignment with the gymnasium floor, said embedded floor tube closely surrounding and having sufficient internal capacity to slidably house the contained tube wholly below the floor; a releasable lock means to maintain the contained tube at a selected height above the floor; wherein a top portion of the floor tube and each contained tube have an annular inner stop [portion] member, and wherein a lower portion of each contained tube has an annular outer guide portion having a thickness comparable to the inner stop member, said outer guide portion coming into contact with a respective stop member when the contained tube is fully upwardly extended; so that the entire court standard is stored beneath the gymnasium floor when not in use and the contained tube need only conveniently be lifted directly up from beneath the gymnasium floor to an in use position. portion was changed to member to provide antecedent basis for subsequent uses of member.

In paragraph 5 the Examiner rejects claims 7 and 13. Claim 7 is now dependent on

amended claim 1. Claim 13 is now dependent on amended claim 13.

In the scientific method the first step is to define the problem to be solved. Neither Lee nor Wright addresses the problem of having to provide separate storage off the gym floor to store a court standard. Neither Lee nor Wright is concerned with the problem of carrying the court standard from its stored location to the gym floor. Given that Lee nor Wright are addressing or are even concerned with storage, and carrying the standard to and from storage, and the loss of gym playing time for set up and removal of equipment; it is not probable that they would be led to modify their design to result in sufficient internal capacity to slidably house the contained tube wholly below the floor. This modification would be unpurposeful.

Regarding claim 3 the Examiner states that it would be obvious to provide a plurality of telescoping tubes since it has generally been recognized that the addition of multiple parts for multiple effect involves only routine skill in the art. Given Wright and Lee it appears that the use of use of an above ground tube within an embedded base might be obvious. The net holding tube could be removed from the base when the net was not in use. But neither Wright nor Lee used multiple tubes to effect storage so that the contained tube could be wholly stored beneath the ground and would not have to be transported from, and have storage provided adjacent to the playing area. It is not obvious to use multiple tubes to effect storage. Claim 3 and 13 have been similarly amended, "A court standard as in claim 1 wherein the contained tube comprises a plurality of contained tubes, each contained tube closely and slidably positioned within a tube therearound, said plurality of tubes facilitating

erection because initially one's finger need only lift the weight of a smallest contained tube from beneath the gymnasium floor. When initially lifting the court stand which is positioned wholly beneath the ground it is first necessary to grasp the inner most tube with the ends of one's fingers and pull it up. Initially, all one is lifting is the inner most tube. After the inner most tube is lifted, it is then possible for one to wrap both hands around the innermost tube to lift the succeeding larger tubes. It is necessary that the inner most tube, like all the other tubes initially be fully under the ground, so that when the gymnasium is used for other activities, such as basketball so that players are presented with a flat surface devoid of any tripping hazards. And because the tube is fully beneath the playing surface it is initially necessary to lift it only with one's fingers. It is only obvious to use multiple (3+) tubes to facilitate underground storage. It may be obvious to use 4 tubes, given knowledge of using three tubes for underground storage of the court standard, but underground storage is not obvious. Underground storage is a huge advantage which no one thought of since time the of Lee, some 100+ years ago. it is further noted that the inventors have found that there invention to be well received by educators, and that commercial success, appears certain.

It is further noted that claims 3 and 13 respectively depend from amended claims 1 and 11. It is respectfully suggested that claims 1 and 11, as amended should be allowable. And accordingly, claims 3 and 13, along with all other dependent claims should be allowable.

It is respectfully suggested that all claims as amended are allowable.

As this response is submitted one month late a fee in the amount of \$60. is enclosed.

A handwritten signature in cursive script, reading "G. F. Gallinger".

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